



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

Andrew J. Rauchberg
phone: 212-356-0891
email: arauchbe@law.nyc.gov

February 1, 2023

BY ECF

Hon. Jennifer H. Rearden
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *N.A. obo N.A.I v. N.Y. City Dep't of Educ., et al.*
Index No. 23 CV 108 (JHR)(KHP)

Dear Judge Rearden:

I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and attorney for the Defendants New York City Department of Education, New York City Board of Education, and the Department's Chancellor David C. Banks in the case referenced above. I write to respectfully request additional time to respond to the Complaint.

Presently, a response from the Department is due by Friday, February 3, 2023. I respectfully request that the Court extend that deadline by six weeks, or to March 17, 2023. Additional time is requested so that I may assign the case to one of my colleagues and then allow this attorney to review and investigate Plaintiff's allegations. The requested extension will then enable Defendants to prepare an appropriate response, and it will not impact any other scheduled dates.

This is the first such request Defendants have made. I have communicated with Elisa Hyman, Esq., Plaintiff's attorney, and Plaintiff consents to the proposed extension. Ms. Hyman has advised, however, that Plaintiff is only able to consent to this request for an extension subject to a condition - that Defendants agree not to raise the fact of Plaintiff's consent as grounds to (i) argue against any motion for emergency and/or preliminary relief and/or discovery that Plaintiff may make or (ii) assert that Plaintiff has waived the right to argue that emergency circumstances are present in this matter. Defendants agree to this condition (and have agreed to

include this in this letter), but do not waive any other objections and arguments they may have in opposition to any potential application for interim relief or discovery.

Thank you for your consideration of this matter.

Respectfully submitted,

s/

Andrew J. Rauchberg
Assistant Corporation Counsel

cc: Elisa Hyman, Esq.
Law Office of Elisa Hyman P.C.
Attorneys for Plaintiff